IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6427 of 1988

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DAHYALAL J JOSHI

Versus

STATE OF GUJARAT

Appearance:

MR YN OZA for Petitioner

Ms.Manisha Lavkumar, Assistant GOVERNMENT PLEADER, for Respondent No. 1

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI

Date of decision: 18/02/2000

ORAL JUDGEMENT

By this petition, the petitioner, as Sarpanch of Gram Panchayat, Jaswantgadh, has claimed a relief that the Primary Health Centre at Jaswantgadh Village be not shifted to any other place. It was proposed to be shifted by the Department of Health and Family Welfare of

the State of Gujarat. The petition was filed in the year 1988 and this Court, on 11.10.1988, granted an interim relief. As a result thereof, the Primary Health Centre at Jaswantgadh continues to exist at the same location since the year 1988. Its continuance at the same location appears to be desirable. The State Government has also not filed any reply to controvert the facts mentioned in the petition.

After hearing the learned counsel for the parties, this Court has also found that it is not only in the interest of the Panchayat, but in the general interest of the residents of the locality that the Primary Health Centre, which has been continuing at the present location since 1988, should continue at that place to cater to the needs of the residents. The petition is, therefore, allowed with the grant of the aforesaid relief. Rule is made absolute to the aforesaid extent. Interim order granted on 11.10.1988 to operate as final relief.

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(apj)